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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,509	03/29/2001	Dennis Sunga Fernandez	FERN-P001C	8530

33717            7590            10/24/2007  
GREENBERG TRAURIG LLP (LA)  
2450 COLORADO AVENUE, SUITE 400E  
INTELLECTUAL PROPERTY DEPARTMENT  
SANTA MONICA, CA 90404

EXAMINER
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VO, TUNG T

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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10/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/823,509	FERNANDEZ ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tung Vo	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 September 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-38 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5-6, 8-11, 14-15, 18-20, 23,-24, 26-28, 31-34, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Short, III et al. (US 7,085,775).

Re claims 1, 11, 20, Short teaches a console processing unit (See all figures) for goods inventory management coupled via the Internet to at least one fixed detector (figs. 4A and 4B, col. 16, lines 13-20, a reader) and at least one mobile sensor (4005 and 4007 of fig. 4B), a computer-readable medium (3029 of fig. 3C) for representing a monitored object, the computer-readable medium comprising:

an object identifier (4009 of fig. 4B), such object identifier representing one or more goods in production, inventory and shipment;

a first object location and a time monitored at such location, provided by a detector coupled to the console processing unit (col. 16, lines 13-20, in real time); and

a second object location and a time monitored at such location, provided by a sensor coupled to the console processing unit (4005 of fig. 4B, 702 of fig. 5C); wherein

an access means (fig. 2C and fig. 5A) processes the computer-readable medium securely using a digital certificate, watermark or encryption key, such that the computer-readable medium

is accessible for object-monitoring from only one or more specified network site or processor, the computer-readable medium being provided automatically using control software for network surveillance in response to a user search query (fig. 2C; and fig. 5A), the software comprising a network and data communication module, an object and map database, an object movement processing module (fig. 5A), a security management module, an electronic transaction processing module, a diagnosis tool, a performance report updater module, and a visual object analyzer module comprising a neural network or simulation program for recognizing adaptively one or more identified goods for real-time tracking of multiple goods movement (fig. 5A, the computer would obviously generate simulation to recognize the goods within the vehicle), whereby such modules are functionally integrated to enable surveillance-based commercial transaction using the computer-readable medium (col. 7, line 55-col. 9, line 20; col. 17, line 15-col. 18, line 7) .

Re claim 2, Short further teaches a scheduled object location and a time scheduled for such location (900 of fig. 2A, the computer aided dispatch system 900 includes at least steps of order entry 901, dispatch 903, billing 905, accounting 907, reporting 909, and others. Each step may comprise a separate software package performing the described functionality. CAD system may thus be implemented by mixing and matching packages from different vendors. For example, any stand alone dispatching system, scheduling system, business management system, etc. can be integrated into the CAD ).

Re claim 5, Short further teaches a software agent associated with the monitored object accesses a database (fig. 2A, The computer aided dispatch system can be programmed via software in a suitable language, such as C, C++, Fortran, etc., into a system including a computer

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and sufficient memory to handle data from orders. An example of a computer aided dispatch system was sold by an ADAQ Systems Corporation. A simplified flow diagram of a computer aided dispatch method is illustrated by FIG. 2A; fig. 2C, user accesses).

Re claim 6, Short further teaches the object identifier comprises an object name, an object group, an object query, an object condition, an object status, an object location, an object time, an object error, or an object image, video, or audio broadcast signal (4009 of fig. 4B).

Re claim 8, Short further teaches the monitored object is monitored temporarily using an extrapolated or last-stored positional or visual signal (fig. 2C).

Re claims 9 and 18, Short further teaches the monitored object is authenticated according to a voice pattern, a finger-print pattern, a handwritten signature, or a magnetic or smart-card signal (fig. 2C, A second level authorization with a selected password can bypass the second hold level to allow the user to take the order from the customer. Alternatively, the user can refuse to take the order from the customer until payment. Of course, the present system can be tailored to include a selected amount of authorization steps and indications depending upon the application.).

Re claim 10, Short further discloses the monitored object is provided an electronic file comprising a book, a greeting card, a news report, a sports report, a stock report, an artwork, a research database, a personal list, a recorded or live voice or music transmission, an electronic tool, or a commercial transaction (fig. 2C).

Re claims 14 and 23, Short discloses the detector (col. 16, lines 13-20) comprises visual-analyzer means for recognizing adaptively the identified goods using a neural network or simulation program, thereby enabling secure inventory management of the identified goods (fig. 5A).

Re claims 15 and 19, Short the computer readable medium indicates in-stock availability of the identified goods for transacting shipment, and a tax-rate for transaction at the location of the identified goods (3039 of fig. 3C).

Re claims 24, and 26-28, see analysis in claims 1, 2, 5-6, 8-10, and 15.

Re claims 31-34, and 36-38, see analysis in claims 1, 2, 5-6, 8-10, and 15.

3. Claims 3, 7, 12, 16, 21, 25, 30, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Short, III et al. (US 7,085,775) in view of Woolston (US 5,845,265).

Re claims 3, 7, 12, 16, 21, 25, 30, and 35, Short teaches the sensor comprises a radio-frequency identification device for locating the identified goods (702 of fig. 5C; 4007 of fig. 4B), thereby enabling the sensor and the detector to provide corroborative surveillance of the identified goods (col. 16, lines 1-32)

It is noted that Short does not particularly disclose the detector comprises a camera for observing such identified goods within an observable range in which the sensor is mobile relative to the detector, the observable range is modifiable according to a rule set.

Woolston teaches Internet (col. 14, lines 51-63) and at least one fixed detector (12 of fig. 1) that comprises a camera (12 of fig. 1) for observing such identified goods, thereby enabling the sensor (14 of fig. 1) and the detector (12 of fig. 1) to provide surveillance of the identified

goods within an observable range (the camera 12 of figure 1 is able to capturing the goods within an observation range) in which the sensor (14 of fig. 1) is mobile relative to the detector; the detector comprises visual-analyzer means (920 of fig. 13, viewing goods) for recognizing adaptively the identified goods using a neural network or simulation program (the image is generated by the camera (12 of fig. 1)) and displaying the image on the display (16 of fig. 1) based on the user defined according to a rule set (18 of fig. 1)

Therefore, taking the teachings of Short and Woolston as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Woolston into the console processing unit of Short for observing goods with its price during inventory. Doing would allow the user to easily set up his or her own warehouse, store, or retailer for buying and selling goods via the Internet.

4. Claims 13, 17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Short, III et al. (US 7,085,775) as applied to claims 1, 11, and 20, and in view of Durbin et al. (US 6,039,258).

Re claims 13, 17, and 22, Short teaches the sensor is mobile in the observation range except a sensor signal port for sensing a low-power or fuel condition of the identified goods, thereby enabling the console processing unit to indicate or warn a down period for using the identified goods as claimed.

Durbin teaches a sensor signal port for sensing a low-power or fuel condition of the identified goods, thereby enabling the console processing unit to indicate or warn a down period for using the identified goods (14 of fig. 1; Note the somatic communication system 14 may be

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utilized to indicate when the battery level is low, when there is a system error in the operating system, and other various alarm type of signals).

Therefore, taking the teachings of Short and Durbin as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Durbin into the system of Short for recognizing the low power or battery of the sensor as suggested by Durbin (14 of fig.

- 1). Doing so would allow the user to change or recharge the battery in advance to prevent damage of the handheld or portable sensor.

5. Claims 4 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Short, III et al. (US 7,085,775) as applied to claim 1, and in view of Kennedy (US 6,301,480).

Re claims 4 and 29, Short does not particularly teach the detector comprises an accelerometer as claimed.

However, Kennedy teaches a mobile communication unit (12 of fig. 1) comprises an accelerometer and personal health sensor (col. 3, lines 5-19).

Therefore, taking the combined teachings of Short and Kennedy as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Kennedy into the system of the system of Short and Woolston for the same purpose of communicating between the remote buyer and central station fast and more accuracy.

Doing so would provide the advantages of the system include the adaptation of the system to provide mobile units are associated with cars, trucks, boats, barges, airplanes, cargo holders, persons or other mobile items such as ambulance vehicle that desire a selection of services. These services include emergency services, roadside assistance, information services

(e.g., directions, news and weather reports, financial quotes, etc.), or other as suggested by Kennedy.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bullock et al. (US 5,448,484) discloses neural network-based vehicle detection system and method.

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tung Vo  
Primary Examiner  
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